

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBERT McNINCH : CIVIL ACTION  
v. : NO. 07-4921  
MICHAEL J. ASTRUE, :  
Commissioner of the Social :  
Security Administration :  
:

ORDER

AND NOW, this 24th day of March, 2009, upon consideration of the plaintiff's Request for Review (Document No. 13), the defendant's response (Document No. 17), the Report and Recommendation of United States Magistrate Judge Faith M. Angell (Document No. 26), the lack of any objection to the Report and Recommendation, and after a thorough and independent review of the record, it is ORDERED as follows:

1. The Magistrate Judge's Report is APPROVED and his Recommendation is ADOPTED;
2. The plaintiff's Request for Review is GRANTED IN PART and DENIED IN PART; and
3. This case is REMANDED pursuant to the fourth sentence of 42 U.S.C. § 405(g) to the Commissioner of Social Security for further proceedings consistent with the Report and Recommendation.

  
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TIMOTHY J. SAVAGE, J.